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2012 WORKERS' COMPENSATION LEGISLATIVE CHANGES

This is a general overview of workers' compensation legislation passed by the 107th General Assembly. For a complete, detailed review of this information and all workers' compensation bills introduced in this legislative session, please go to www.capitol.tn.gov.

MAXIMUM & MINIMUM BENEFIT CHANGES

Temporary Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2012 through June 30, 2013 is \$886.60 or 110% of the state's average weekly wage.

Permanent Benefits – The maximum weekly benefit rate for injuries occurring July 1, 2012 through June 30, 2013 is \$806.00 or 100% of the state's average weekly wage.

Minimum Weekly Benefit – The minimum weekly benefit rate for injuries occurring July 1, 2012 through June 30, 2013 for both temporary and permanent benefits is \$120.90.

PAIN MANAGEMENT TREATMENT

Public Chapter 1100 (HB3372/SB3315) provides that if an injured employee is referred for pain management, a panel of physicians must be provided and the office of each physician listed on the panel is located no more than 175 miles from the injured employee's residence or place of employment. It clarifies that the injured employee is not entitled to a second opinion on the issue of impairment, diagnosis or prescribed treatment relating to pain management. This bill allows the employer to use utilization review to determine whether the prescribed pain management meets medically accepted standards when a schedule II, III, or IV controlled substance has been used for a period of more than 90 days or if the employee establishes that the pain management fails to meet medically accepted standards. As a condition of receiving pain management, the injured employee may sign a formal agreement with the physician prescribing pain management acknowledging the conditions under which the injured employee may continue to be prescribed schedule II, III, or IV controlled substances. If the injured employee violates any terms of the agreement on more than one (1) occasion, the injured employee's right to pain management through prescription medication, shall be terminated and the injured employee will no longer be entitled to the prescription of schedule II, III, or IV controlled substances for the management of pain. In the event said violation occurs prior to a finding that the injured employee is totally disabled, the incapacity to work due to lack of pain

management shall not be considered when determining whether the injured employee is entitled to permanent total disability benefits. This bill becomes effective on July 1, 2012.

**CHANGE OF VENUE AND
COST OF CONSTRUCTION INDUSTRY EXEMPTION FROM
OBTAINING WORKERS' COMPENSATION INSURANCE**

Public Chapter 1030 (HB2808/SB2923) clarifies that a suit may be filed in the county in which the employee resided at the time of the injury or in the county where the injury occurred. If the employee has relocated to another county, the suit may not be filed in that county. This portion of the bill became effective on May 21, 2012. This bill also lowers the cost of an exemption from obtaining workers' compensation insurance with the Secretary of State's office. This portion of the bill becomes effective on January 1, 2013. Information about the Secretary of State's Workers' Compensation Exemption Registry may be found on their website at <http://tnbear.tn.gov/wc> .